

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

MARCH 2, 2010

The following is a summary of the March 2, 2010 Meeting:

- I. Meeting called to order at 9:00 AM by Frank Linkous, Chairman. Members present were Frank Linkous, Joseph Buchanan, Arvil McConnell, Jr. and Ricky O'Quinn. Member Gerald Kendrick was absent. Also present were Butch Lambert, Department of Mines Minerals and Energy Deputy Director, Mary Gibson, Regulatory Boards Administrator and Sharon Pigeon, Assistant Attorney General.**
- II. Opening statement delivered by Frank Linkous, Chairman.**
- III. Motions made and seconded to accept March 2, 2010, meeting agenda and approve February 2, 2010, meeting summary. All members were in favor to approve.**
- IV. Review of cases of Virginia certificate holders
John K. Beasley**

The Board granted a rescheduling of the case to the April 6, 2010, meeting, due to conflicts of his attorney's schedule in accompanying him.

V. Review of Virginia Substance Abuse Cases (Closed Session)

Of the cases that resulted in hearings, evidence was taken by the Board in closed session, pursuant to Virginia Code §§ 2.2-3711(A)(4) and 45.1-11.35(E). In the closed session, the Board worked out agreements, allowing individuals to return to work conditionally, and took other disciplinary actions including revocation of all certifications held by miners.

VI. Open Agenda

The Board discussed the procedure regarding receipt from laboratories of drug testing resulting in use of prescribed medications that have been designated as safety sensitive.

Frank Linkous reported on efforts by DMME to inform miners affected by substance abuse of the availability of financial aid if found to be eligible. The

three-fold approach developed by DMME's Public Relations Manager for broad media coverage will include television, printed media and flyers or paycheck stuffers for distribution to every miner and posters at every mine site.

The Board discussed current procedures for probationary status of return to work for miners who have been suspended for substance abuse violations. The Board agreed that greater flexibility of the timeframe required for probationary status in these cases should be reviewed with treatment providers for exceptional cases.

VII. Next Meeting

Next meeting will be April 6, 2010.

VIII. Adjournment

Meeting adjourned at 1:45 PM.